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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/140,831	08/26/98	WELLS	G 9717-4

020575 PM82/1201  
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EXAMINER

VANAMAN, F

ART UNIT	PAPER NUMBER
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3611

DATE MAILED:

12  
12/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/140,831

Applicant(s)

Wells

Examiner

Frank Vanaman

Group Art Unit  
3611



☒ Responsive to communication(s) filed on Sep 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-7 is/are allowed.

☒ Claim(s) 8-10 and 12 is/are rejected.

☒ Claim(s) 11 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **Status of Application**

1. Applicant's Supplemental Response, filed Sept 14, 2000 has been entered in the application. Claims 1-12 are pending.

### **Claim Rejections - 35 USC § 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douillet (EP 370,900, cited by applicant) in view of Wittstock (cited previously). Douillet (figures 5, 6, 7 and 8) teaches a ski pole grip (27) having a front, back and lateral sides, and an attachment system including a strap (43) having a pin (42, 44) with a notch (between 42, 44) connected to a glove (70), the skier's hand being (29) wrappable around the grip, and including a horizontal channel (33, 34) located above a substantial portion of the skier's hand for accommodating the pin, and a spring-biased (40) retractable finger (39) which protrudes across the channel and engage the notch in the pin, the finger actuable by a button (37) which may be depressed against the action of the spring while the skier's hand is wrapped around the grip, to release the pin. Note that tension in the strap associated with a drawing of the skier's hand away from the grip would inherently serve to remove the pin from the channel.

The reference of Douillet fails to teach the channel as being locate entirely above a skier's hand. Wittstock teaches a ski-pole grip having a horizontal channel (18, 24) which engages a pin (30, 36) connected to a strap (22), wherein the channel location is taught to be above a skier's hand (note figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to locate the pin-engaging channel of Douillet to be entirely above a skier's hand for the purpose of insuring a complete disengagement of the pin from the channel even if a skier's hand is not entirely removed from the grip, for example in case of emergency conditions.

**Original Patent**

*cont'd. next page*

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4. Receipt of the original patent upon which the instant reissue application is based is acknowledged, as per the requirements of 37 CFR 1.178.

**Allowable Subject Matter**

5. Claims 1-7 are allowed.
6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's comments concerning the reference of Dondero as applied to the rejection of claim 11 are noted and are persuasive. The previous rejection of claim 11 has been withdrawn for the reasons set forth by Applicant.

**Response to Arguments**

7. Applicant's comments directed to recapture and the claims rejected under 35 USC §251 have been considered and are persuasive. Applicant has persuasively pointed out that while independent claim 1 included the lateral location of the pin-release button as a limitation, independent claim 7 did not include such a limitation.

Applicant's comments concerning the application of the reference of Dondero are noted and have been treated above.

Applicant's comments concerning the references to Douillet and Wittstock are noted but are not persuasive. Note the plan view of Douillet's figure 8, for example. The user's thumb is of sufficient length to access the button (37) to release the pin. Note additionally that the thumb is located at a higher elevation than the top (index) finger and would thus be located closest to the button.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

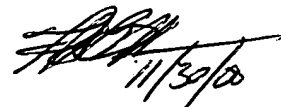
Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

**FRANK B. VANAMAN**  
Primary Examiner  
Art Unit 3611

Frank Vanaman  
November 30, 2000

Handwritten signature of Frank Vanaman, dated 11/30/00.